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New Monument Next Steps BP 1 25 17.docx

If it's still too much we can delete the last two sections

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**Talking Points for Senate Appropriations Staff: Management of BLM's New National Monuments**

**From:** Christopher McAlear, Assistant Director, National Conservation Lands and Community Partnerships

**Background**

The BLM's National Conservation Lands now include 873 federally recognized areas and approximately 36 million acres of National Monuments, National Conservation Areas, Wilderness Areas, Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails and National Conservation Lands of the California Desert:

- **National Monuments:** 27 units (9,451,978 BLM acres)
- **National Conservation Areas and Similar Designations:** 21 units (4,113,092 BLM acres)
- **CA Desert National Conservation Lands:** 4.2 million acres
- **Wilderness Areas:** 224 (8,760,479 BLM acres)
- **Wilderness Study Areas:** 517 (12,607,811 BLM acres)
- **Wild and Scenic Rivers:** 69 (2,423 BLM miles)
- **National Scenic and Historic Trails:** 18 (5,761 BLM miles)

Since 2009, the National Monuments (NM) & National Conservation Areas (NCA) have grown substantially from 31 units that encompassed about 8.6 million acres to 48 units that encompass over 13.5 million acres. The most recent designations on BLM include:

- Gold Butte National Monument, located in Clark County Nevada northeast of Las Vegas, designated on December 28, 2016; consists of 296,937 acres.
- Bears Ears National Monument, located in San Juan County southeastern Utah. The monument protects 1,351,849 acres of public land (1.35m acres of BLM, 289,000 acres FS).
- Boundary Enlargement of the Cascade-Siskiyou National Monument. On January 12, 2017, the original monument area of 65,000 acres in Jackson County, east of Ashland was enlarged adding 48,000 acres to the monument.
- Boundary Enlargement of the California Coastal National Monument. Located along the entire coastline of CA on January 12, 2017 6,200 acres (six sites) were added to California's iconic coastline.

**Key Points**

- NM/NCA designations are existing BLM public lands that had been typically managed prior to the designation for conservation through land use planning allocations such as Areas of Critical Environmental Concern (ACEC) or other RMP management.
- Designation increases visibility, visitation, and public expectations. BLM may shift resources to protect public safety, public access, and provide recreation opportunities.
- BLM NM/NCA's are unique. BLM manages these landscapes for the Resources, Objects and Values identified by the proclamations; but still managed under multiple use/sustained yield mandate. That means valid and existing rights may continue and future uses such as grazing and mining as long as those uses are compatible with the objects and values for which the NM was designated.
  - For example, the **Canyons of the Ancients NM** has the largest CO<sub>2</sub> gas reservoir in the United States. Approximately 80% of the NM is leased for active oil and gas production and has the highest known density of cultural artifact sites in the United States (up to 100 sites/sq mi, approx. 30,000 sites) and is one of the most extensively

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*By the Numbers*

studied archaeological landscapes in the world. Livestock grazing is also one of many multiple uses permitted within the NM. It is a historical use which has occurred since the late 1800's. Approximately 98% of the NM is grazed by livestock. Both of these uses are managed using best management practices so they are compatible with the NM ROV's including areas with some of the highest densities of cultural artifacts in the world.

- NM designations affect Federal lands only. State or private lands located within the boundary of a NM are inholdings and not subject to the NM Proclamation;
- NM designations preserve many of ~~current uses of the landscape, including tribal access, traditional collection of plants and firewood, motorized recreation, hunting and fishing, legal grazing, military training operations and maintenance of existing utility corridors;~~
- Proclamations may call for establishment of advisory committees or councils comprised of interested stakeholders to assist in the development and implementation of management plans for NMs and NCAs respectively;
- NM designations do not affect valid and existing rights. However, NM designations could prohibit new commercial timber sales, mineral leases, mining claims, prospecting or exploration activities, and oil, gas and geothermal leases;
- Designations provide significant economic value to local economies. 99% of cities (259 cities total) of 50,000 or more people in the 12 western BLM states are now within just 50 miles of at least one of BLM's National Conservation Lands units.
- Visitors to National Monuments and NCAs in 2016 spent an estimated \$425 million on trip-related purchases.

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#### Steps Following Designation

- When BLM acres become designated as Monuments by Congress or the President they become part of BLM's National Conservation Lands and the BLM begins following the steps outlined in the "New National Monuments and NCA's Checklist: What to do right after designation".
- This checklist has been developed to aid BLM managers with the management of new NMs and NCA designations;
- This includes a review the Proclamation and identification of the Resources, Objects and Values;
- Budget and personnel needs for the management of the new NMs or NCAs, including creating a new organizational code;
- And initiation of planning of a NM or NCA Management Plan

#### O&C Act and Antiquities Act

- July 1866, Congress passed the Oregon and California Railroad Act making 3,700,000 acres available for any company that built a railroad from Portland, OR to San Francisco.
- The Oregon and California Revested Lands Sustained Yield Management Act of 1937, commonly referred to as the O&C Act, directed the United States Department of the Interior to harvest timber from the O&C lands on a sustained yield basis.<sup>[7][16]</sup> The legislation returned 50 percent of timber sales receipts to the counties, and 25 percent to the U.S. Treasury to reimburse the federal government for payments made to the counties prior to establishment of the Act. The law specifically provided that the lands be managed, including reforestation and protection of watershed, to ensure a permanent source of timber, and therefore, revenue to the counties.

- 1993. To offset the loss of timber revenue, President Clinton proposed a 10-year program of payments, set at 85 percent of the average O&C Act payments from 1986 to 1990, and declining 3 percent annually. These "spotted owl" "safety net" payments were passed by Congress as part of the Omnibus Budget Reconciliation Act of 1993 and extended again for five years in 2011.
- June 8, 1906, Antiquities Act of 1906, passed by Congress and signed into law by Roosevelt
- The NWFP recognized 7.3 million acres of national parks and monuments, wilderness areas, wild and scenic rivers, national wildlife refuges, Department of Defense lands, and other lands with congressional designations that prohibited timber harvests within the area of the plan (1994 ROD)
- 1968 Rogue River Wild and Scenic River (WSR) O&C lands were withdrawn along the river corridor.
- 1984 Table Rock Wilderness O&C lands were withdrawn from the wilderness
- 2000 Cascade-Siskiyou NM O&C lands withdrawn within the NM by Presidential Proclamation. The first monument set aside solely for the preservation of biodiversity.

#### **Cascade Siskiyou NM and Boundary Enlargement**

- The Cascade-Siskiyou National Monument (CSNM) was established by presidential proclamation under President Clinton on June 9, 2000 in recognition of its remarkable ecology and to protect a diverse range of biological, geological, aquatic, archeological, and historic objects. The Cascade-Siskiyou National Monument is the first monument set aside solely for the preservation of biodiversity.
- On January 12, 2017, the originally monument area of 65,000 acres in Jackson County, east of Ashland was enlarged by President Obama, adding 48,000 acres to the monument.
- The original and the newly enlarged area do encompass O&C lands including some of the 20 percent "Harvest Land Base" that was set aside for sustainable harvest under the new western Oregon 2016 RMPs.
- BLM is in the process of assessing implementation next steps post-enlargement in order to move forward in a legally sound manner.

#### **Presidential Proclamation – Boundary Enlargement of the Cascade-Siskiyou National Monument**

*"Nothing in this proclamation shall change the management of the areas protected under Proclamation 7318. Terms used in this proclamation shall have the same meaning as those defined in Proclamation 7318.... Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation..."*

*All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.*

*The enlargement of the boundary is subject to valid existing rights. If the Federal Government subsequently acquires any lands or interests in lands not owned or controlled by the Federal Government within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government."*

Proclamation 7318 (2000):

*"The commercial harvest of timber or other vegetative material is prohibited, except when part of an authorized science-based ecological restoration project aimed at meeting protection and old growth*

*enhancement objectives. Any such project must be consistent with the purposes of this proclamation. No portion of the monument shall be considered to be suited for timber production, and no part of the monument shall be used in a calculation or provision of a sustained yield of timber. Removal of trees from within the monument area may take place only if clearly needed for ecological restoration and maintenance or public safety.”*